

REMARKS

In the Office Action all of the claims (i.e. claims 1-8) have been variously rejected for being anticipated by different references.

In response to the Office Action, independent claim 1 has been amended to now require that each blade segment have a sharp edge, and that respective sharp edges of the blade segments collectively extend along a same cutting line. Further, claim 1 has been amended to require that a portion of each blade segment be juxtaposed to an adjacent blade segment. Support for these amendments is found at paragraphs [0025] and [0026], and in Figs. 4-6 of PUB 2004/0098018. No claims have been added or cancelled.

Amendments to the claims have been made to improve the readability of the claims, to more clearly define the structure of the present invention, and to point out the features which distinguish this invention over the cited art. Claims 1-8 remain pending.

Rejections under 35 U.S.C. § 102

Claims 1-4, and 5-8 have been rejected for being anticipated by U.S. Patent No. 5,320,634 to Vigil et al. (hereinafter "Vigil"). Claims 1, 6, 7 and 8 have been rejected for being anticipated by U.S. Patent No. 5,797,935 to Barath (hereinafter "Barath"). And, claims 1, 7 and 8 have been rejected for being anticipated by PG/PUB 2002/0010489 to Grayzel et al. (hereinafter "Grayzel").

Unlike the disclosure of any of the cited references, amended claim 1 for the

present invention now requires that a portion of each blade segment be juxtaposed to an adjacent blade segment, and that the sharp edges of respective blade segments collectively extend along a substantially same cutting line. With specific regard to this particular structure, each of the cited references are considered, in order.

Vigil does not teach or suggest a juxtaposition of adjacent atherotomes (i.e. "blade segments"). Instead, Vigil considers these elements to be distanced from each other, and axially aligned (see Vigil: col. 4, lns 53-57). As indicated above, amended claim 1 now requires a much different structure and cooperation of structure. Accordingly, Applicant contends amended claim 1 for the present invention is distinguishable from Vigil.

Barath, like Vigil, does not teach or suggest a juxtaposition of blade segments as now required for the present invention. Also, Barath does not teach or suggest a plurality of blade segments that have a substantially same cutting line, as now required for the present invention. Instead, and quite unlike amended claim 1 for the present invention, Barath discloses single blades that operate independently along separate cutting lines. For these reasons, Applicant contends amended claim 1 for the present invention is distinguishable from Barath.

While Grayzel may be construed to combine various aspects of both Vigil and Barath, Grayzel does not teach or suggest the structure and cooperation of structure now required by amended claim 1 for the present invention. Specifically, like the other cited references, Grayzel does not juxtapose adjacent cutting elements (i.e. blade segments) in a manner that presents a plurality of sharp edges on a substantially same

cutting line. Accordingly, Applicant contends that amended claim 1 for the present invention is distinguishable from the disclosure of Grayzel.

For the reasons set forth above, Applicant contends that amended claim 1 is patentably distinguishable from the disclosures of the variously cited references. Because claims 2-8 depend from amended claim 1, they also benefit from the amendment of claim 1. Accordingly, Applicant believes the bases for rejecting claims under 35 U.S.C. § 102 have been overcome, and should be withdrawn.

In conclusion, Applicant respectfully asserts that claims 1-8 are patentable for the reasons set forth above, and that the application is now in a condition for allowance. Accordingly, an early notice of allowance is respectfully requested. The Examiner is requested to call the undersigned at 619-688-1300 for any reason that would advance the instant application to issue.

Dated this 28th day of September, 2005.

Respectfully submitted,


NEIL K. NYDEGGER
Attorney for Applicant
Registration No. 30,202

NYDEGGER & ASSOCIATES
348 Olive Street
San Diego, California 92103
Telephone: (619) 688-1300